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CONTENTS.

	Page
TOPICS OF THE WEEK ...	65
ARTICLES :	
Reduction of Debt ...	67
Responsible Government in the States and the Paramount Power ...	69
Police Torture and Corruption ...	72
CURRENT COMMENTS ...	74
REVIEWS :	
An Aboriginal People. By Sham Sundar Misra, M. A. ...	77
Gandhism in Theory and Practice. By D. V. K. ...	77
Land Tenures. By N. S. S. ...	78
Since the War. By M. V. Subrahmanyam ...	78
SHORT NOTICES ...	79
MISCELLANEA :	
Congress Resolution on Federation ...	80

Topics of the Week.

The Shahidganj Dispute.

THE Council of the All-India Muslim League has resolved to summon a special session of the League to decide on the line of action which the League should take in the Shahidganj dispute. The Shahidganj issue is now well known throughout the country. A mosque in Lahore changed hands when the Sikhs vanquished the Moghuls and has been in Sikh possession for more than a century since. The Sikh community considers the mosque as a sacred piece of land because two of their leaders were executed on the spot by the Moghul rulers. Some time back the conflict for the possession of the mosque between the Muslims and the Sikhs suddenly flared up when the Sikhs decided to demolish it and build a new structure on the site. After a struggle between the two communities involving great suffering to both, the Muslims very wisely decided to go to the court to establish their right. The dispute has now been decided from the legal standpoint by the highest judicial authority in the Province, viz., the High Court bench, by a majority decision. The Chief Justice and Mr. Justice Bhide decided in favour of the Sikhs; their Muslim colleague, Mr. Justice Din Mahomed, disagreed and appended a separate judgment, holding that a mosque remains a mosque and a place of worship for the Muslims under the Muslim law, to whomsoever it might belong, as long as it is neither changed nor demolished. The majority judgment held that as the Sikhs had adverse possession of the mosque for so many years, the law of limitation applied and deprived the Muslims of any rights in it.

WHILE the Sikhs are jubilant over the decision the Muslim community is naturally agitated over it, particularly because the dispute had passed from a legal tussle to a public agitation long before the court's decision was known or even before the case was filed. It is, therefore, not surprising that the community hesitates to take the next logical step and appeal to the Privy Council against the judgment of the Punjab High Court. The Muslim leaders know that if the appeal fails their followers may not accept the decision calmly. A recourse to legal methods presupposes the willingness of the parties to abide by the result, whatever it may be. In the case of the Muslims of the Punjab this willingness is woefully lacking. An unfortunate feature of the matter is the fact that even leaders like Mr. Jinnah have thought it advisable to maintain an extremely ambiguous attitude, fraught with dangerous consequences to the peace of the Province.

AT the session of the Council of the League various suggestions were put forward to meet the situation created by the High Court decision. But it is to be regretfully observed that the voice of sanity was hardly heard during the discussions. No leader of repute had the courage to tell the Muslims that once resort had been made to a legal remedy, talk of extra-legal action was destructive of all constitutional government in the country. It was suggested that the Unionist Ministry should be asked to resign on the issue. Fortunately, this absurd suggestion did not find much support. No Ministry, however much it might wish to satisfy its followers, can take up a position where it would place itself in opposition to the highest legal tribunal in the Province. It was also suggested that a deputation should wait on the Viceroy or that the Punjab Government should acquire the mosque under the Land Acquisition Act to make it over to the Muslims. All these suggestions failed to take into consideration one vital factor, and that is the Sikh community. Even supposing that the Viceroy or the Punjab Government desired to satisfy the Muslims, they must reckon with the grim determination of the Sikhs to retain to the last what has been declared to be lawfully theirs.

THE whole Shahidganj agitation looks absurd but for the tragic light it throws on the communalist mind. Both the Muslims and the Sikhs refuse to give way to the other, and the Sikhs being in lawful possession of the building, their position has become unassailable in the dispute. We feel, however, that whatever the rights of the communities may be, a way has to be found out of the present difficulty if a perpetual civil war is to be avoided in the Punjab. We wonder what the League session can do without either accepting the decision of the High Court, or deciding to go in appeal, in which case it will have to submit to the result even if it be against the

Muslims. The only other alternative is a *satyagraha* movement which would put their own Government against them and rally all the saner elements round the Sikhs who will only be defending their legal rights against unlawful coercion.

ANOTHER aspect of *satyagraha* movement in such matters has not received much attention. Supposing a community is to be allowed to agitate for a sacred place which has passed out of its hands for generations, would not other communities be encouraged to undertake similar agitations in other parts of the country? There is, for instance, the mosque near the most sacred Hindu temple in Benares. It is a historical fact that the site was originally a sacred Hindu place, forcibly taken from them by the Moghuls. If, as a repercussion of the Shahidganj agitation, Hindus—and fanatics are not lacking among them—start an agitation for its restoration, it would not take much time to rouse ugly passions all over the country. Lawful government would be a mockery in such eventuality. The Muslim leaders, we hope, are fully aware of the responsibility that rests upon them in this matter. The special session of the League has to decide, not upon the Shahidganj issue, but upon a far more dangerous one, the civil war issue as a matter of fact.

A WAY out of this impasse seems to be to persuade both the communities to agree to making a public trust of the building and maintaining it as a historical site or handing it over to the Archaeological Department. This remedy involves, of course, some sacrifice on the part of the Sikh community, who are the legal owners of the building to-day. But if a proper approach is made we are hopeful that the Sikhs will prove reasonable. In case some such solution is found the Shahidganj mosque would stand as a monument to communal amity instead of being, as it is to-day, an evil reminder of historical feuds which are better forgotten.

A Lacuna Removed.

A SERIOUS lacuna in the Sharda Act was removed by the amendment which was carried the other day in the Central Assembly, on the motion of Mr. Lalchand Navalrai. It has been observed that ever since the Sharda Act came into force those who desired to evade it used to go to Indian States' territory, perform the marriage ceremony of minors and return without the law being able to do anything to punish them. It is true that a Madras court held some time back that marriages performed in the Indian States in contravention of the Child Marriage Restraint Act could not be held valid in British Indian territory, but that view has not been accepted everywhere. In fact the whole position in respect of such marriages was left rather vague under the Act. Besides, marriages performed according to the Hindu religious ceremony being indissoluble, punishment of the parties concerned did not remove the evil. The bride and bridegroom in such marriages were irrevocably tied to each other, whatever the law might say about it.

THE amendment now carried penalises British Indian subjects performing marriages of minors outside British Indian territories. While we welcome it in so far as it goes to check this evil, we must observe that it does not go far enough. For instance, it exempts from its penalties those persons who can go and stay in an Indian State's territory for a year. Attempts have been made before to make an offence under this Act a cognisable one. But it is feared that it might lead to the harassment of the

public. It has also to be borne in mind that the Sharda Act is a measure of reform which does not command the approval of a majority of the people in the country. Nevertheless, its enactment has led to a growing consciousness among the public of the evil it tries to check and further steps to make it more effective can now be taken without creating much opposition. The unfortunate part of it is that if there are guardians ready to undergo punishment, the Hindu minors married in violation of the Act have no way out of the union.

Madras Debt Relief Bill.

IN the SERVANT OF INDIA of the 6th January last we noticed the important changes made by the Select Committee in the Bill as introduced by the Madras Government. Since the publication of the Select Committee Report and the re-drafted Bill, the Madras Government sponsored several amendments, but few of them are of major importance.

ATTENTION may here be drawn to two amendments moved by the Government. The first related to the scaling down of liabilities contracted since October 1, 1932. It will be recalled that the Select Committee made a distinction between pre-depression debts contracted before 1st Oct, 1932, and post-depression debts contracted since that date. In the case of the latter, it suggested that simple interest at not more than 5 per cent. should be allowed. Against the principal and interest so calculated should be set off all payments hitherto made by the debtor, and the balance should be the measure of the current liability of the debtor. If payments hitherto made exceed the amount due as interest at 5 per cent., the excess would reduce the principal. Government have since proposed that the principal should not be reduced by such excess payments of interest. In effect, the principal remains intact, and whatever has been paid will be set off only against interest at 5 per cent. per annum.

THE other important amendment proposed by the Government is one which gives power to the Government to constitute special tribunals to dispose of cases arising from this legislation and to enable such tribunals to order payment of scaled down debts by instalments. In this amendment Government recognise that this legislation is bound to increase litigation and that special tribunals are necessary to deal with it expeditiously. There is also the recognition that the debtors may not be able to pay off their scaled down debts in lump sums and that it will be necessary to permit payments in instalments.

Indian Agency in East Africa.

SETH GOVIND DAS, M. L. A. (Central), who recently returned from a visit to East Africa and South Africa, said in a public statement that Indians in East Africa were against the appointment of an agent of the Government of India in East Africa. He has since interpellated the Government of India on the same subject. The deputation of the East African Indian Congress, which arrived in India a few days ago, has not yet said anything on this subject. It is as well that it is discussed while the deputation is in India.

IT is somewhat strange that the East African Indians, who do not want an Indian Agent in East Africa, should have come here to solicit the help of the Government and people of India in their troubles in East Africa. It is apparent that they do not propose to stand on their own legs and fight their own battles

without seeking the assistance of India. And how is India to assist them intelligently, even if she is unable to do so effectively? India must have information, accurate information, and that well in advance if possible. When Colonial Governments have made up their minds and announced their policies, it is much more difficult to persuade them to change them than when they were still forming their minds on their policies. Moreover, in order to make the best case possible, India must know not only the case for Indians in East Africa but the case for the opposition. If not primed up thoroughly in advance, India may be taken by surprise and make a poor show. And how is India to secure such information? Even if the East African Indian Congress had a much more efficient service than it has, it is doubtful if India could and should depend solely on the information that it may provide and move in the matter. To ask India to be merely a sounding board for the views of the East African Indians is asking too much. If the Government of India is to move in any matter that affects the East African Indians, it must have information supplied to it by its agents. To ask India's help and yet deny her the means of information on which to act intelligently seems unreasonable.

FORTUNATELY, in the matter of Indians abroad there have been no differences between the Government of India, the Indian National Congress and other political organizations in India. The East African deputation has itself acknowledged this happy coincidence. There is no reason to suppose that the Indian Agent will in any way injure the interests or the prestige of individuals and organizations among Indians in East Africa. The experience of Indian agencies in South Africa, Ceylon and Malaya does not lend any support to such apprehensions. Indians in these countries have not asked for the elimination, of Indian agencies. Instead, Indians in Trinidad, British Guiana and Fiji and the British Dominions have been insistently asking for the appointments of Indian Agents. Public opinion in India has supported that demand.

THE difficulty hitherto has come from the Colonial Office in London and the Colonial Governments. The East African Indians by their attitude on this question are only strengthening the opposition of the Colonial Office and weakening the Government and people of India and doing a disservice to themselves and to Indians in other Colonies. India will be glad to be told that Indians in East Africa can look after themselves and need no help from India. But it is unfair to her that they should importunate her help and yet deny her the means of doing so as effectively as is open to her.

Congress and Federation.

THE resolution to be moved at the Haripura Congress on federation makes it clear beyond a shadow of doubt that the uncompromising opposition of the Congress to the federal scheme is due at least as much to the feudal autocracy of the States as to the exiguity of the content of self-government in the

scheme. The spirit behind the resolution has been well depicted by the Special Correspondent of the *Hindu*, who says:

One member of the Working Committee explained to me that the Congress quarrel against federation was not merely that full powers were not conferred upon India. Laying emphasis on the fact that the partnership envisaged under the constitution was incompatible with their aims, he said, the eleven self-governing Provinces could not co-operate with autocratic Indian States. Indian States, as federating units, should approximate to the Provinces in the establishment of representative institutions. It is understood that a distinguished British politician wanted to know if the Congress would withdraw its opposition to federation if the Princes agreed to nominate to the federation elected representatives of States subjects. It is stated he had been told that mere tinkering with it would not do. All powerful Princes could manipulate elections on a higher franchise. The Congress would agree to federate with the States only if adequate measures for responsible government were introduced, civil liberties guaranteed and the democratic method of election granted to the subjects.

The same member continued that while the Congress was fighting for India's self-government, it had been seeking to secure a substantial measure of self-government to Indian State subjects too. After all, Indian rulers could follow the English rulers' example and establish the principle of limited monarchy in their States. As regards the contention that Indian Princes could not be transformed overnight, it was pointed out that all necessary changes could be introduced by the Princes in their States inside of one year, which the Congress was willing to grant. In the Working Committee's opinion, a federation of autonomous Provinces and undemocratic States would result in internal and external conflicts in the States themselves. In their own best interests, it was advisable to introduce responsible government in the States.

Madras and Federation.

THE Madras Legislative Assembly passed the following resolution on federation:

This Assembly recommends to the Madras Government that the opinion of this House be communicated to His Majesty's Government in Great Britain that it is politically and morally impossible for the people and the Government of the province to tolerate the imposition of the scheme of federation, as laid down in the Government of India Act, 1935; and that the said scheme would, far from bringing about all-India unity, provoke forces of conflict between the provinces and Indian States. This Assembly hopes that the Government of Great Britain will respect the wishes of the people of India and immediately devise means, for transitional purposes, to set up a Central Government free from the objectionable features of the federal scheme of the Government of India Act, a scheme to be evolved in consultation with responsible provincial Governments and national leaders.

As in the U. P., so in Madras the Muslim League vied with the Congress in offering uncompromising opposition. Each suspected that the other might possibly get weak in the end, but both promised to fortify each other in resistance. The Madras Upper Chamber also passed the same resolution and it is being proposed in identical terms in the C. P. too.

REDUCTION OF DEBT.

LAST week the Madras Government secured the passage of one of the most contentious measures, the consequences of which on the credit system of Madras will be far-reaching. It is a measure to scale down the existing debts of agriculturists. It is

not meant to enable debtors to pay off their existing debts, even as scaled down; nor does it concern itself with the future supply of cheap credit to agriculturists; it simply seeks to scale down the existing debts of agriculturists. At best, it can be justified

only if it is followed up by other legislation to enable debtors to pay off their scaled down debts and to obtain cheap credit for productive purposes in future.

In scaling down existing debts the Premier of Madras discounted the method of debt conciliation, notwithstanding that there is already on the statute book of Madras a Debt Conciliation Act. If the operations of the Act were unsatisfactory, and if it was due to lack of zeal and driving power, the present Congress Government could have supplied them in ample measure; if it was due to defective legislation, the law might have been amended. The Premier, however, discounted the Act on the ground that the operation of the Act was uncertain and uneven. His Bill, as originally introduced, had the merit of simplicity, uniformity and certainty. But the Bill, as finally passed, is perhaps more uneven and less uniform, than the Debt Conciliation Act.

The debts dealt with in the Bill are of three kinds: debts contracted before 1st Oct., 1932; debts contracted since that date; and arrears of rents due by agricultural tenants to landlords. In scaling down these three classes of debts three different methods have been adopted. In the case of debts contracted before 1st Oct., 1932, (or renewed since that date), all arrears of interest as on 1st Oct., 1937, are discharged. If the debtor had already paid the creditor twice the amount of the principal, the principal itself is discharged; if he has paid less than twice the principal, the debt shall be discharged if the difference is paid. It will be noticed that the principle of *damdapat*, by which the principal gets discharged when interest of an equal amount has been paid, is applied only to debts contracted prior to 1st Oct., 1932.

The justification for the application of this principle to such debts is not clear. This principle has no relation either to fluctuations in the prices of commodities or in the paying capacity of the debtor or the status of the debtor. It had reference to the moral feeling that it was unfair, if not unconscionable, to exact as interest more than the principal. The justification offered by the Select Committee was that before 1st October, 1932, in the pre-depression days, money had a lower purchasing power than today, and that, reckoned in commodities, the value of loans contracted then was less than today. In other words, scaling down pre-depression debts was justified by the subsequent fall in commodity prices. In which case, the remedy is to establish a ratio between prices and debts. The Bill does nothing of the kind. It applies the *damdapat* principle, which is wholly irrelevant to the fluctuations in the prices of commodities.

The original Bill applied the *damdapat* principle only to debts which bore simple interest above 9 per cent. or compound interest. Loans with lower interest were considered investments which could continue to earn such interest indefinitely. Speaking at the Congress House in exposition of his original Bill, the Premier said:

Genuine investments would not be affected by the new measure. If a transaction represented an investment and if money had been lent at 9 per cent. or less, it would be treated as investment, and though twice the amount might

have been paid on the date of coming into force of the measure, the amount would not be deemed repaid.

This was one of the good features of the original Bill. It distinguished genuine investments from unconscionable and usurious loans, and applied the *damdapat* principle only to the latter. But the Select Committee deleted the distinction and applied the *damdapat* principle to all pre-depression loans.

To loans contracted since 1st October, 1932, another rule has been applied. The principal remains unaffected: but the rate of interest may not be more than 5 per cent., and this rate shall apply only from the commencement of the loan upto the commencement of the Act. All payments made by the debtor in excess of the amount calculated at 5 per cent. shall go to reduce the arrears of interest.

The Select Committee suggested that all payments in excess of 5 per cent. should go to reduce not only the interest but the principal also. But the Government subsequently moved an amendment which left the principal absolutely unaffected. In the case of post-depression debts there is only a reduction of interest to 5 per cent. but with retrospective effect.

Here again, it is difficult to relate the reduction of interest to any principle; it has no relation to fluctuations in prices or capacity to pay, nor even to the rate of interest charged by co-operative credit societies or the Bank rate. This rate applies, as has been stated already, only between the date of the commencement of the loan and the date of the commencement of this Act. For, subsequent to the enforcement of the Act, the rate of interest on scaled down debts may go up to 6.25 per cent., and all new loans shall not bear interest of more than 6.25 per cent. Government reserve to themselves power to fix the rate of interest from time to time. In the case of scheduled banks, however, interest may be as high as 9 per cent. Only in case it is higher, the debtor gets relief under this law.

The third class of debts included in this Bill relates to arrears of rent due from agricultural tenants to landlords. In this case, all arrears of rent due in Fasli 1345 and earlier are wiped out. This is, however, subject to the prompt payment of the rent due in the current and the next Fasli. The original bill provided for relief if the current dues were paid promptly; the Select Committee insisted that not only should the current dues be paid promptly, but also the dues of the next Fasli. If only a part of the current and the next year's dues are paid promptly, will relief be in proportion. Thus relief from past arrears is contingent on prompt payment of current and the next year's dues. Relief, therefore, is not immediate. This provision again is not related to fluctuations in prices or in capacity to pay. Even when arrears are due to incapacity to pay, there is no relief afforded to the poor tenant unless he manages somehow to pay current rents at least. On the other hand, a tenant who has the capacity to pay but has through recalcitrancy refused to pay his old arrears can, by paying the dues for the current and not Faslis promptly, escape payment of old arrears of rent. A premium is thus placed on recalcitrancy while the poor tenant who cannot pay gets no relief!

A similar provision was not included in the scaling down of debts referred to earlier. There relief is not contingent on prompt payment of scaled-down dues. In fact, the Bill contemplates their payment in instalments to be fixed by the special tribunals. In the case of rents, the contingent clause was defended on the ground that if the arrears were wiped out unconditionally, current and future rents would be uncertain of realization. The fear that the scaling down of debts might encourage debtors in future to shirk prompt payment was discounted by the Government.

The benefits of the Bill are open only to agriculturists as defined in the Bill. An agriculturist is defined as one who has saleable interest in agricultural land, subject to certain exceptions. This definition excludes the large class of agricultural labourers who are indebted. Provision is, however, made that wages due to such labourers shall be unaffected. Wisely the Bill includes in the definition of the agriculturist not only a lessee but a sub-lessee as well. But a distinction is made between ryotwari holders and certain classes of landholders under the Estates Land Act and the Malabar Tenancy Act. While all ryotwari holders are agriculturists, irrespective of the amount of land revenue they pay, landholders paying peshkush of less than Rs. 500 under the Madras Estates Land Act or of land revenue of less than Rs. 500 under the Malabar Tenancy Act or of quit rent of less than

Rs. 100 alone are agriculturists. That is to say, certain small holders under the Estates Land Act and the Malabar Tenancy Act are agriculturists, the larger landholders being excepted from the benefits of the Bill. But no such distinction was drawn among ryotwari landholders. All ryotwari holders, small and large, are agriculturists. This distinction is again not related to any principle. Great efforts were made by the Opposition to limit the relief proposed by the Bill to small holders among the ryotwari holders as well. But the Government were immovable. The only explanation offered by the Government was that, if in addition to an occupational test, a monetary test was applied, complications would ensue. It is difficult to see how a monetary limit in the case of landholders under the Estates Land Act and the Malabar Tenancy Act does not complicate matters.

There are many other anomalies, inconsistencies and unfair discriminations in the Bill as finally passed. The merit of the original Bill, its simplicity, has been sacrificed to complexities which will only result in phenomenal litigation, with undoubted unfairness to many good creditors and doubtful advantage to many debtors. The only justifications for the scaling down of debts, the fluctuations in prices of commodities and in the ability to pay, have not influenced this legislation.

RESPONSIBLE GOVERNMENT IN THE STATES AND THE PARAMOUNT POWER.

SIR C. P. RAMASWAMI AIYAR, as Dewan-President of the Travancore Assembly, exhibited much legal ingenuity to prove, in connexion with an adjournment motion to discuss the question of the introduction of responsible government in Travancore State, that, from the constitutional point of view, it would be impossible to introduce responsible government in the Indian States except with the consent of the Paramount Power. The arguments he advanced on the occasion do not appear to us to be valid, but, apart from this, one cannot help wishing that our public men dowered by nature with high intellectual gifts would use their gifts only in the service of good causes. If Sir Ramaswami Aiyar had intended to introduce far-reaching reforms, which in his opinion would go beyond the existing powers of the Maharaja, and if on this account he had felt it necessary to make a reference to the Paramount Power, one could have understood the propriety of his long disquisition; but to argue, as he did, in squelching the popular demand for responsible government, that the Maharaja is not constitutionally free to accede to the demand, as if the Paramount Power were standing in the way of any big advance, is very unfair.

The argument itself is very simple. It is that the relationship that exists between the Indian States and the Paramount Power is purely personal; that the treaties governing this relationship are between

the Indian rulers on the one hand and the British Crown on the other; that the responsibility for discharging the obligations undertaken by the rulers under treaty lies upon the rulers; and that, therefore, responsible government cannot be introduced in the States, which would have the effect of divesting the rulers of their responsibility, unless the British Government agrees to this being done. This argument is indeed the obverse side of the argument which was put forward by Sir Leslie Scott on behalf of the States. The Princes first said to the British Government: "We are in direct relation with the British Crown, which has undertaken to protect us from external and internal danger. The British Crown, therefore, cannot transfer control over the army to a popular government in British India, nor indeed can it transfer the duty of discharging any of its other obligations to a government which is not under its own control, without our consent." Now the Princes say to the British Government: "On the other hand, we have undertaken certain obligations towards you. We quite realise that you can have no confidence that these obligations will be adequately discharged by responsible governments in our States. You have, therefore, every right to say that responsible government shall not be introduced without your agreement, and we will not violate the implications of this understanding." First, they impose a veto upon the British Government; next, they impose a veto upon

themselves. The first suits the British Government, and the second themselves, exceedingly well.

Sir Leslie Scott's thesis was fully discussed when it was advanced and was shown to be entirely incorrect. Sir Ramaswami Aiyar's thesis, being the same, does not need a separate refutation. But let us address ourselves here to the arguments adduced by him on this occasion. How does he prove that the relations between an Indian State and the Paramount Power are personal between the Ruler and the British Crown? He says: "The federation contemplated under the Government of India Act is founded upon the recognition of the fundamental idea that the ruler alone represents his State and that the ruler is the Government of the State." When all the States are despotically governed, it is obvious that in a federation with such States it is only the rulers who can represent the States; this is only a recognition of the existing fact that the rulers are the Governments in the States. But what is there in the Government of India Act to show that the rulers are inhibited from changing over from a despotic to a popular form of government? Sir Ramaswami Aiyar quoted a number of sections of the Act, but they go only to show that for the purposes of federation the rulers will be supposed to be acting for the States; it could not be otherwise in the existing circumstances when there is autocracy ruling in all the States.

Some passages from a speech made by the Solicitor-General, Sir Donald Somervell, on Clause 6 of the Government of India Bill in the Committee stage were also quoted by Sir Ramaswami Aiyar, but they do not at all bear the interpretation that he seeks to put on them. For instance, Sir D. Somervell said:

The broad principle is that there shall be a federation with the States, in which the ruler of the State shall be ruler.

This sentence is so constructed as to convey the meaning at first sight that the ruler of a State will not be free to change the form of government obtaining in his State, but in the context in which it occurs it means something quite different. The Solicitor-General was here replying to the question raised by Sir Henry Croft about "the nationality of the subjects of the States." Sir H. Croft moved an amendment which, if carried, would have made both the rulers of the Indian States and their subjects "subjects of His Majesty." In the absence of such a provision, he argued, there would be a conflict of allegiance. In moving the amendment he said:

Under this Bill it is proposed to federate the Provinces, the natives of which are subjects of his Majesty the King, with the States, the natives of which are not British subjects. Consequently, we have to consider a state of affairs which probably has never existed in any similar attempt to federate in the whole world. We have to consider how long such a state of affairs can exist, and whether the point has been raised by the Secretary of State with the Princes as to how long such an extraordinary situation is likely to continue. . . . There may be some conflict in the future between a ruler and the King Emperor. What is this wretched man (the subject of a native State) going to do? He will be torn between two loyalties, but will probably edge towards his local ruler, who has his eye upon him, rather than the distant King Emperor. . . . I should like to know whether the consequence of this mixing

up of different nationals and subjects has been considered and, if so, whether the Secretary of State can tell us for how long he contemplates it will be possible for such a state of affairs to continue.

To this Sir Donald Somervell replied as follows:

It is quite clear that no ruler will accept this amendment. We can say that quite definitely. Indeed it would cut across the whole principle of the federation, which is that the ruler shall remain the ruler of his State, and his subjects shall therefore remain his subjects, the ruler undertaking to see that the provisions of the Act are enforced in his State. That is clearly the idea and basis of the whole federal proposal.

My hon. and gallant Friend asked a specific question, whether the consequences had been considered, and the answer is yes. He also asked how long do we anticipate that the position of these people remaining subjects of their rulers would last. I do not think he would expect me to make a prophecy, but I can give him a fair answer. It will last as long as the federation, on the broad present principle, remains in existence. The broad present principle is that there shall be a federation with the States in which the rulers of the States shall be the rulers.

It is quite plain that there is an ellipsis in the last sentence which, when filled, will read "and their subjects shall remain their subjects," as indeed Sir Donald said before. All he wanted to make clear was that it was not contemplated that rulers and subjects of Indian States would ever be His Majesty's subjects.

Then Sir C. P. Ramaswami Aiyar quoted another sentence from Sir Donald's speech:

Of course, my hon. Friend realises that under Sub-section 1 (c) the ruler assumes the obligation of ensuring that due effect is given to the provisions of the Act within his State.

How this quotation supports Sir Ramaswami's thesis it is difficult to understand. Sir Donald said this in answering Mr. Donner's objection to the words "and to his subjects" in Sub-section 1 (b) of Section 6, which was omitted altogether, and the words objected to were also deleted from other Sub-sections in the final stage. Mr. Donner expressed his objection as follows:

As the Bill stands, it would almost appear as if a ruler is under some kind of obligation to consult his subjects (in acceding to federation). . . . If a Prince desires to accede to federation both the State and his subjects, according to the present wording of the Bill, will have to accede. . . . Therefore, it would seem that the subjects of an Indian State become by the wording of the Bill amenable to the decisions of the federal legislature. . . . Here then is an entirely new departure which allows the federal legislature to intervene between a ruler and his subjects.

To this the Solicitor-General replied:

Let me say with as much emphasis as I can command that there is no new position and no anomaly. He (Mr. Donner) referred to the words in Sub-section 1 (b) "may make laws for his State and his subjects." It must be obvious that you do not make laws for a mere piece of territory. . . . It is quite obvious that the State, by joining the federation and agreeing that it shall make laws as to certain subjects, is to make laws for the State and the people in it. Of course, my hon. Friend realises that under Sub-section 1 (c) the ruler assumes the obligation of ensuring that due effect is given to the provisions of the Act within his State.

The third sentence from Sir Donald Somervell's speech quoted by Sir Ramaswami Aiyar is:

The actual business of enacting the law within the State will be the business of the ruler.

The context in which this was said was as follows. Sir W. Davison asked:

Are such Princes as have agreed to the federal proposal in agreement that the federal legislature should make laws with regard to their States, and are they prepared to ensure that effect shall be given to those laws?

To which Sir Donald replied :

That surely is the whole point of acceding to the federation. By acceding to the federation the State is saying: "We agree that the federal legislature shall make laws which shall run and be applicable in our States with the subjects of our States". The actual business of enforcing the law within the State will be the business of the ruler.

It will be seen from the above that the Solicitor-General was not trying to define the powers of the Princes or to say what limitations were imposed upon these powers and much less to pronounce any opinion as to whether the Princes were free or not to devolve these powers upon others if they so liked. He was dealing with a totally different question, and for Sir Ramaswami Aiyar to try to find support for his thesis in this speech is to show how weak and unsound the thesis is.

Again, what are the obligations which the rulers of States have assumed, for the discharge of which they are alleged to have bound themselves to maintain the present despotic form of government? One would think that Sir Ramaswami would give a few instances. There is only one matter of which he makes specific mention. He says: "In the case of allies like Travancore, it (the British Government) has to protect them from external enemies. In return, the British Government exacts certain conditions, viz. that foreigners should not be engaged in State service without the consent of the British Government." Well, if this is a limitation upon the Maharaja's power, the responsible government that he may introduce will have to respect this limitation, for the Maharaja can transfer only such power as he possesses to the people, but whatever power he has he can surely transfer to them. The broad conclusion he draws from the solitary instance that he gives certainly does not follow, viz. "Legally, it is not possible, without the active concurrence of the British Government, for the ruler to divest himself of his undivided authority and jurisdiction over the governance of his State in favour of any other authority." For the revocation of the condition at present imposed, the British Government's agreement will of course be required; but it will be required whether the ruler keeps all authority in his own hands or gives it all away to his people. Till the condition is removed, the ruler can give such power as he has to the people, subject to the condition.

Assuming that the British Government's consent were needed for the transformation of a despotic into a popular form of government, the British Government would be bound to give it, not out of charity and decency, but out of the obligations assumed by it as a counterpart of its paramountcy rights. The Paramount Power has to act, as stated by the Butler Committee, under three main heads: (1) external affairs; (2) defence and protection; (3) intervention. Intervention becomes in a majority of cases necessary in the interest of the subjects of rulers. The Committee says: "It (the Paramount Power) is bound to intervene in the case of gross misrule; and its

intervention may take the form of the deposition of the Prince, the curtailment of his authority or the appointment of an officer to exercise political superintendence or supervision". But if a responsible government is introduced in a State, the Paramount Power is relieved of this responsibility. Gross misrule may happen even under popular government, but as intervention of the Paramount Power takes place in the interest of the State people, misrule by the people themselves will not call forth intervention; and from this point of view the British Government can only welcome replacement of autocratic by popular government in the States. It must welcome this reform even in the interest of its obligation for defence and protection. The Butler Committee says in this respect :

The guarantee to protect a Prince against insurrection carries with it an obligation: to inquire into the causes of the insurrection and to demand that the Prince shall remedy legitimate grievances, and an obligation to prescribe the measures necessary to this result.

The promise of the King/Emperor to maintain unimpaired the privileges, rights and dignities of the Princes carries with it a duty to protect the Prince against attempts to eliminate him, and to substitute another form of government. If these attempts were due to misgovernment on the part of the Prince, protection would only be given on the conditions set out in the preceding paragraph. If they were due, not to misgovernment, but to a widespread popular demand for change, the Paramount Power would be bound to maintain the rights, privileges and dignity of the Prince; but it would also be bound to suggest such measures as would satisfy this demand without eliminating the Prince.

It will thus be seen that the introduction of responsible government in the States is a measure which will absolve at once the Princes and the Paramount Power from their major obligation, viz. maintenance in the States of good government or government which is considered good by the people. For the rest, the obligations assumed by the Princes take the form of a limitation on their power, which limitation is such as does not forbid the establishment of popular government but requires the consent of the British Government for its removal, whether the State be autocratically or democratically governed.

So anxious is Sir C. P. Ramaswami Aiyar to prove that the States are helpless in the matter of taking any worthwhile step forward in constitutional freedom that he goes the length of casting doubts on the competence of the Princes even to allow the States' representatives in the federal legislature to be elected by the people. He says :

Under the Government of India Act the States send their own nominees to the federal house. Supposing they send as nominees persons who are elected members and who are wholly beyond the control of the Maharaja or the Government, they may all combine against the interests of the Paramount Power. The Paramount Power might not be willing to allow them to do so. In a country like Travancore it is practically unthinkable that to the federal house we shall not send at least a fair proportion of elected members. The possibility is there. Those difficulties will undoubtedly arise where a nominee of the Government may, for instance, vote for a resolution asking for independence of the British Government, asking that the British Government should march out of India. That is a possibility; if it is allowed in the future federal house and the Travancore nominee votes for it, he votes for it and there

it is. Suppose a responsible Ministry and the Legislature in the State also vote in favour of such action. What is the position of the Maharaja then?

This question may be best answered by putting a question to him on the other side: What will be the position of the British Government if the elected members in British India vote for a resolution in favour of suppressing all the feudal autocracies in the Indian States? The resolution will make no difference to the legal obligations which the British Government has undertaken; they will remain. Similarly, the passing of a resolution in favour of independence of the British Government with the support of the States' elected representatives will make no difference to the legal obligations undertaken by the States: they will remain. The possibility of the States' elected representatives voting in a sense contrary to the States' obligations towards the British Government does not place a veto upon the power of the Princes to choose their representatives by election any more than the possibility of the elected representatives of British Indian Provinces voting in a sense contrary to the British Government's obligations towards the States places a veto upon the power of the British Government to choose its representatives by election. Sir Ramaswami Aiyar seems to revel in evolving theories, however far-fetched, which would help in showing that the autocracies whom he serves with more loyalty than wisdom are prevented from becoming democracies by an extraneous power. How one wishes that he would for once find some righteous cause on which he could exercise the superabundant ingenuity of his mind! In order to show that Cochin, in having introduced dyarchy, has not stolen a march over Travancore, he deprecated dyarchy as much as he possibly could. His ill-natured references to Cochin provoked a well-merited rebuke from Sir Shanmukham Chetty, but the most effective rebuke came from the members of the Travancore Assembly itself who said: "Dyarchy is bad; but autocracy is worse." Public feeling will be sore so long as autocracy continues, whether on account of the State Government's coolness towards democracy or on account of the British Government holding the democratic tendencies of the State Government in leash. If this sore feeling is not to be directed against the State authorities, let Sir Ramaswami Aiyar come forward with a statement as to how far the State authorities are prepared to go and at what point their benevolent intentions receive a check from the British Government.

POLICE TORTURE AND CORRUPTION.

I.

THE Punjab Government has been moved to issue a communique on account of the misconception of a London paper that it is trying to hush up the scandal exposed by the Chief Justice of the Lahore High Court in what is known as the 'Kiroo case.' Briefly, the case arose out of one Kiroo, a chowkidar in Rawalpindi, being accused of participating in a burglary first, and further being put up for trial for the murder of a police officer. The lower court found

Kiroo guilty of the murder and sentenced him to transportation for life, the extreme penalty being withheld as the judge was not satisfied that all the prosecution witnesses had told the truth. Fortunately for Kiroo, he appealed and was acquitted, the High Court having found that Kiroo acted in self-defence, driven to desperation by the continuous torture employed by the police to extract a confession from him.

But the case has certain peculiar features which make it one of great public interest. It was revealed during the trial that the torture of Kiroo was going on in full public view, thereby driving one to the conclusion that such sights must have been common, as none except one Pipe Major Stewart protested against the brutalities of the police. The Court also found that in order to secure a conviction for murder, the police witnesses were doctored and had perjured themselves. The tortures were so inhuman that, after stabbing the police constable, Kiroo preferred to stab himself rather than live to face the tender mercies of the protectors of law and justice.

It is fortunate that a case of this type found a judge of the calibre and passionate humanity of Sir Douglas Young to bring out the human side of it. In a moving judgment impregnated with sympathy for the unfortunate victim of police atrocities, the Chief Justice indicates a system of investigation which has deadened the official and public conscience to such an extent that "the police thought they had nothing to conceal or that torturing suspects was to them a normal procedure." "Cases are not unknown", the Chief Justice said in his judgment, "and are within our own knowledge where persons have died under this type of investigation. . . . There are several methods of torture which do not leave any trace. . . . It is a disgrace to the police force and a dangerous obstacle to the administration of justice which it brings into open contempt."

The Punjab Government now assures us that it is cognisant of these observations and that on receipt of the official copy of the High Court judgment the Inspector General of Police took the matter up. The officers concerned in the maltreatment of the accused have been suspended and a case under Sec. 330, I.P.C., has been filed against them. While we note the action of the Government with satisfaction in this particular case, we deem it necessary to point out that what is needed is not isolated investigations into those cases of torture and brutality which all too rarely come to public notice, but a systematic education for the humanising of the police and at the same time an education of the public in the proper exercise of their rights as citizens.

The Kiroo case offers almost a complete picture of how the public's conscience has been submerged in its fear of the police. In this case, the High Court found that the tortures were of such an intensely cruel character that Kiroo "was justified even to the extent of killing" a member of the ruffian police gang which was persecuting him. And yet not one among the public who witnessed those tortures, except Pipe Major Stewart, had the courage to protest against them, let alone

attempt to put a stop to them. This deplorable cowardice is due to the terrors which police prosecution of members of the public for obstruction in their official duties arouses among the general public. Sir Douglas was so struck by this general apathy and cowardice of the public towards police atrocities against individuals that he was moved to observe :

It is unfortunate that such a right (of self-defence) under circumstances as these cannot be exercised more frequently; it might have a more salutary effect than the protests of this court in making those responsible for the discipline and conduct of the police in the investigation of crime take more rigorous steps to stop such cruel and cowardly practices.

These words, almost desperate in their import, illustrate how great the evil must be.

It is all to the good that the Punjab Government has ordered prosecution of the officials involved in this tragic affair. But cases where police torture is alleged are not infrequent. When such allegations are made, the general practice is to order a departmental inquiry, which deprives it of the salutary lesson which public exposure and protest give. Officers and Government servants involved in such cases must pay the price of their crimes in full view of society as other criminals do. To secure this, a writer in the *Indian Affairs* makes a constructive suggestion, which deserves consideration. He suggests that :

Instead of following the practice usual in this country and which was followed in this case, namely a direction by the Bench that a copy of its judgment be sent to the Local Government, the English practice should be followed, which is an intimation that the papers will be sent to the Public Prosecutor. The former course means, we fear, merely a Departmental Inquiry held in private, which, as regards this country was a few years ago succinctly described by *Truth* as the New Despotism in India; whereas upon a criminal prosecution beats the fierce light of day. It is publicity and ruthless exposure which is required to stamp out this intolerable stigma which rests at present on each one of us, whatever be his race, politics or religion.

II.

Almost on the heels of the Lahore judgment which indicts police brutalities in scathing terms, comes a judgment of the Patna High Court in which the Chief Justice, Sir Courtney Terrell, thought it necessary to refer to the extraordinary manner in which the police and the subordinate judiciary in Orissa handled a case in which a rich Oriya landlord was involved. It seems that this amorous gentleman, the Raja of Aul, aged 42, purchased from an old man his daughter, aged thirteen, for his harem. The bargain was concluded in behalf of the Raja by two officials of his, to whom the Chief Justice refers in justifiable wrath as nothing better than 'pimps'; the girl was removed to the Raja's harem crying and struggling. Matters might have ended here, but the unfortunate girl died within a month of entering the Raja's palace. It was given out that she had died of a natural illness but a reformer member of the girl's community backed by two others of the same way of thinking was moved to proceed against the father and the two "officers" of the Raja for negotiating and purchasing a minor girl for immoral purposes. These persons were put up for trial before Mr. Misra, a subordinate judge, since retired, and acquitted.

Emboldened by their success, the acquitted persons filed a suit for damages against their accusers and got a verdict in their favour. But the defendants went in appeal to the High Court and the whole tragic story came to light after eleven years, when the first offence was committed. It was found by the Chief Justice that the whole case was disgracefully handled by the officers concerned, that the purchase of the minor girl was overlooked and that her death in the palace of Aul, far from being due to dropsy or fever, must have been due to reasons which can well be imagined. The judgment refers to "the gross slur on the British Administration that such a clear miscarriage of justice," left unchallenged, casts. As for the subordinate judge who awarded damages to the pimps of the Raja instead of putting them behind the bars, the High Court is shocked "to find the administration of justice should ever have been entrusted to such a judge."

Sir Courtney Terrell does not exempt the higher police officials in Orissa from responsibility for the nature of the investigation carried on on the first information lodged by the courageous reformers. He believes that there was grave neglect of duty on their part in entrusting such serious investigation to minor police officers. They are apt to be bribed or to levy blackmail. His Lordship observes that if the investigation had been entrusted to proper officials with a better regard for duty "the Raja would have been made to answer for the death of the girl." The Raja, Sir Courtney believes, "should have been put on trial and his activities brought to a satisfactory conclusion." He pays a compliment to the young and courageous reformers, who faced the dreaded persecution of a rich man aided to some extent by the minions of law and order, and succeeded in bringing to book the persons concerned in this disgraceful affair.

This case and the case referred to above reveal without a shadow of doubt the fact that corruption and bullying are by no means uncommon among the police force of the land and that it is not confined to a particular province. As we pen these lines we have before us no less than three judgments delivered by different judges which refer in scathing terms to the part played by the prosecuting police in doctoring witnesses and fabricating evidence to secure conviction. This is a melancholy aspect of the administration of law and justice in the country. It is worth noting that these cases deal with people who are ignorant of their rights, who cannot secure powerful legal help and who are prone to be easily bullied into submission if left without proper guidance. The malpractices among the police force cannot be stopped by Government action alone. The public must be encouraged to stand up for their rights and some kind of protection must be granted to those who bring to light miscarriages of justice due to police connivance. For it is well-known that such persons become marked men, and the remarkable "trade union" spirit among the lower ranks of the police and the twisted concept of prestige held by some higher officials coupled with a rather strange idea of loyalty to the force, are arrayed, as it were, against members of the

public whose zeal for fair play is somewhat inconvenient to it.

A way to meet and eradicate these evils is to found legal aid societies whose members will not only give legal aid to those who find themselves up against the police in the public interest, but themselves form into a sort of a fellowship of the vigilants of law which will not tolerate any infringement on it by those whose duty it is to help in administering it. Such societies are needed particularly to give help in villages where cases of police terrorism and corruption occur more frequently. Aided by a stricter injunction from Government to their servants and the prompt and ruthless punishment of delinquents, the efforts of non-official agencies should prove of great help to eradicate this shameful feature of our administration. The question of purging the police force of undesirable elements is not an easy one, largely because of the divided authority which controls it. The popular Ministers share the control of the police with the Governor and the Inspector General of Police, and perhaps proposals for drastic reforms might create disagreement between the Governor and the Ministers. Yet we believe that no authority would object to reasonable proposals to check any slur being cast upon the administration by corrupt officials.

CURRENT COMMENT.

NULLIFYING OPTIONAL CLAUSE.

IN regard to the assurance which the Governor of Bombay gave to the Muslim League that he would not sanction the setting up of a machinery for the exercise by the Muslim constituencies of local boards of an option to have joint electorates "unless he was entirely satisfied that the desire to exercise the option was genuinely spontaneous," the *Tribune* remarks that the assurance "would have the effect of partially nullifying the object which the optional clause has in view." It writes:

It is quite clear to our mind that this is not a matter for the exercise of the Governor's special responsibility at all, for the simple reason that the clause, being optional, cannot possibly endanger the legitimate interests of the minorities. We have made no secret of our opinion that the optional clause is bad enough as diluting a vital principle of democracy. The assurance given by His Excellency carries the process of dilution a long way further and reduces the principle almost to a nullity. What exactly would satisfy the Governor *entirely* that the desire to exercise the option is *genuinely spontaneous* and is *very widely held* we do not pretend to know, but if he has even at the back of his mind a desire to satisfy the Muslim League members who exhibited their extreme unreasonableness by walking out of the House after having secured all the concessions that they themselves had asked for, there is not the smallest doubt that any action which His Excellency may take can have no other effect except that of defeating the purpose which the Act has in view.

If the optional clause would be reduced almost to a nullity by this kind of assurance, as it certainly would be, it is fair to remember that it is the Bombay Ministry who gave the assurance in the first instance and that the Governor only repeated it and carried it a little further. And if the Ministry, in giving the

assurance, did not act spontaneously, but under the dictation of the Governor, the blame that attaches to the Ministry is not less, but more.

METE OUT THE SAME MEASURE!

To the criticism levelled by the Congress President, Pandit Jawaharlal Nehru, in his Assam tour against the land revenue reduction policy of the non-Congress Ministry in that province Dr. Jyotish Chandra Das, Secretary of the United People's Party, has given a telling reply. The criticism was based upon the Ministry not having given effect to a resolution passed by the Assam Assembly recommending 33 per cent. reduction. To this criticism Dr. Das makes the following reply:

The present Assam Ministry have already offered relief to the people by reducing land revenue to an extent not yet contemplated in any of the Congress Provinces. They have granted reduction at 33 per cent. in respect of all estates paying land revenue not exceeding Rs. 12 and at 25 per cent. in respect of all estates paying more than Rs. 12 as land revenue. Thus larger estates belonging to well-to-do landlords will be getting relief at a lesser rate than the smaller estates belonging to the actual peasant proprietors. 50 per cent. reduction has been granted to those estates, the settlement of which had been annulled for arrears of land revenue. This means that on payment of only half of the arrears the annulled estate will be resettled with the defaulting land holders who are still in possession.

May I enquire whether your Congress Ministry in the C. P. have yet been able to keep the promise of making 25 per cent. reduction of land revenue in that province?

One would have thought that Pandit Jawaharlal would be able to give an effective rejoinder to Dr. Das. The Pandit, however, in his letter does not attempt to counter Dr. Das's claim that the Assam non-Congress Ministry has given larger relief than any Congress Ministry even contemplates and does not assert that the C. P. Ministry has redeemed its promise of making 25 per cent. reduction. He contents himself merely with saying: "I was not aware of this (viz. the reductions in land revenue which the Assam Government has decided to give) till I got your letter."

In order not to let Dr. Das have the honours of debate, the *Times of Assam* has come to the rescue of Pandit Jawaharlal Nehru. The *Times* claims that the credit for the actual reduction in land revenue goes not to the non-Congress Ministry, but to the Congress Opposition and tries to make this out in the following manner:

The Congress Party moved a resolution recommending 50 per cent. reduction. The Ministry opposed it. The ministerial supporters moved an amendment whittling down the reduction to 33 per cent. and this amendment was adopted, the Congress party supporting it on the principle that half a loaf was better than no loaf. The Ministry, however, still further whittled down the reduction, by appointing an enquiry committee over the head of the Assembly, and granting reductions, according to its recommendation, of only 33 per cent. and 25 per cent. for revenue payers below and over 12 rupees respectively. The credit for whatever reduction has been granted thus truly belongs to the Congress Party who took the initiative in moving the 50 per cent. reduction resolution. The non-Congress ministerial supporters can claim only the negative credit of whittling down that reduction, and the Ministry

a still more negative one of whittling it down still further.

If the credit for land revenue reduction is to be withheld from the Assam Ministry because the initiative came from the Opposition and because the Ministry did something less than the Opposition had asked for, we wonder if the *Assam Times* will give the credit for Moratorium Act to the Congress Ministry in Bombay? For here the initiative came from outside; when the demand was made the Ministry incontinently turned it down; it even threw out a challenge to Pandit Jawaharlal Nehru to provide for a moratorium if he dared without bringing about a crash of the Presidency's credit structure. When the popular demand grew in volume, the Ministry felt compelled to concede it, and even then it conceded it only in part and under various limitations. All amendments seeking to give larger relief were thrown out by the Ministry by the mere force of numbers at its command. If the credit for land revenue reduction in Assam belongs not to the non-Congress Ministry but to the Congress Opposition, by the same token the credit for a moratorium in Bombay belongs not to the Congress Ministry but to the non-Congress Opposition. But is there enough sense of justice in Congress ranks to mete out the same measure to their opponents as to themselves?

EXTENSION OF THE COMMUNAL AWARD.

In the speech made by him in moving his anti-federation motion in the Upper Chamber, on 12th January, the Hon'ble Mr. Kher, the Premier of Bombay, advanced numerous objections to the federal scheme, one of which related to the communal award. He said:

Then, as if this were not sufficient, there is the communal aspect. It is such as to perpetuate and embitter the strained relations that are frequently observed between the two great communities in the country. In this matter, the Hindus and Muslims and all minorities must be allowed to settle their own rights so far as the legislatures are concerned. That is not the case with this federation.

(This is very loosely expressed and the meaning is somewhat ambiguous. But what he really intended to say appears to be as follows: "The British Government has imposed the communal award upon India. Hindus and Muslims are thereby divided in watertight compartments, and this division is perpetual, which will be a great stumbling-block in the way of India's national advance." Now separate communal electorates have not been made in fact permanent; by the agreement of the communities concerned these electorates can be abolished along with other aspects of the communal award. But Mr. Kher might well say: "If communal electorates can be done away with only with the consent of those who enjoy them at present, they may to all intents and purposes be held to be perpetual, for no one who enjoys an unjust privilege gives it up willingly.")

: All this is very cogent and logical. But the Premier forgot at the moment that if the late Prime Minister Ramsay Macdonald perpetuated communal electorates in the legislative sphere, Premier Kher himself has perpetuated them in the local sphere, where

they are still more unnecessary and injurious. He gave a gratuitous promise to the Muslims, while defending the optional clause in the Local Boards Bill, that the Government would never abolish communal electorates unless the Muslims were prepared to give them up. He has thus without any cause whatever tied the hands of the Government never to introduce joint electorates except with Muslim consent. The communal award does not apply to local bodies, but Mr. Kher has in effect extended to the local bodies field what he takes such vehement objection to in the legislative field. And what is particularly blameworthy is that there was not the slightest need for such a binding statement, for even he would not contend that such an announcement far transcending the immediate purpose was necessary for defending the optional clause, which in any case is going to be infructuous.

NON-COGNISABLE AND COMPOUNDABLE.

The *Searchlight*, the Congress organ of Bihar, has entered on an examination, item by item, of the Faizpur Congress resolution on the agrarian programme and what the Bihar Ministry has done so far in implementing it. We must own that it is very courageous of our contemporary to undertake such auditing and accounting and to show exactly how the Government stands at present in the balance sheet. The Bihar Ministry has on the whole done well, but we doubt whether any other Ministry can venture to make such a survey and put its achievements and failures in black and white.

While we have never wavered in our praise of the Bihar Ministry for what it has done for the raiyats, the *Searchlight's* defence of the provision in the Tenancy Act making the exaction of illegal cesses non-cognisable and compoundable must be characterised, we are afraid, as spacious. The Ministry itself had proposed originally to make the offence cognisable, but as a result of its agreement with the zamindars made it non-cognisable. Nevertheless the *Searchlight* does not admit that the Ministry was unduly weak here. It says: "This argument betrays unfamiliarity with legal practices. All offences under the Penal Code which are punishable with six months' imprisonment are non-cognisable", and since the maximum punishment for the taking of abwabs is six months this also had to be made non-cognisable. We would ask our contemporary to tell us how then, Mr. Munshi, the Minister for Law and Order in the Bombay Ministry, could make intimidation a cognisable offence in Ahmedabad. If the Bihar Ministry was afraid that the zamindars would be molested by the police if the taking of abwabs were made a cognisable offence, how did Mr. Munshi not entertain the fear that labourers and labour workers would be molested by the police when intimidation was made a cognisable offence? Or is molestation of workers not worth bothering about, while the zamindars must be saved from any possible molestation? The general feeling is, and it has been expressed by the U. P. Congress Agrarian Committee, that stronger measures must be taken than

what the Bihar Ministry has taken to put down such an inveterate evil as the exaction of abwabs.

The *Searchlight* also says that compoundability of the offence follows upon its non-cognisability. If so, why does it accuse the landlords who insisted upon its being made compoundable of "an act of breach of faith" with the Congress? If non-cognisable offences are generally compoundable, if compoundability is a necessary incident of non-cognisability, the landlords are not to blame at all. The *Searchlight* cannot eat the cake and have it too; it cannot say to the tenants that the landlords' demand was only redundant but not atrocious and at the same time charge the landlords with having done something heinous, if compoundability is really implicit in non-cognisability. That the raiyat will not suffer materially from compoundability our contemporary tries to prove as follows:

No case can be compounded except with the consent of both the parties concerned. In this case the whiphand will be with the raiyat whose consent will necessarily have to be secured before the case is compounded. The prospect of being sent to jail will be so terrifying to the zamindars or their amlas who consider that they have some respectability in society that they will, in most cases, if not in all, try to secure the consent of the aggrieved raiyat to the compounding of the case. The raiyat will, therefore, become an object of cajoling and he will be persuaded and wooed to give his consent which he may or may not give and is not bound to give without some compensating consideration. This will tend to increase his importance, just as canvassing for votes increases the importance of the voter. The raiyat will, therefore, be in a better position for bargain. It may, however, be argued that the raiyat may be coerced into giving his consent. But if he can be so coerced, he can also be coerced into not bringing the case at all. So the position is not at all altered whether the case is compoundable or uncompoundable.

To the extent that the above reasoning is valid it only proves that, if a non-cognisable offence has to be compoundable, this particular offence should have been made cognisable. All such provisions become necessary on account of the weakness of the raiyat in relation to the landlord. If the raiyat were strong, no special provisions would be needed. The provisions in the old Act would be sufficient. The making of the offence penal is a recognition on the part of the Ministry of the relative weakness of the raiyat. The recognition of this weakness should have carried the Ministry further. To say that if a raiyat can be coerced into giving his consent to compound the offence he can as well be coerced into not bringing the case is in fact to admit that the Government should not depend in every case upon the raiyat bringing the case against the landlord but should on suitable occasions be prepared to bring the case themselves. It is at least as reasonable for the Government to assume that the landlord will be strong enough to resist molestation by the police as that the raiyat will be strong enough to resist coercion by the landlord. The opposition by the leader of the landlords, Mr. Chandreshwar Prasad Sinha, to making the offence compoundable really knocks the bottom out of the laboured defence of the *Searchlight*.

VOCATIONAL EDUCATION AND GENERAL EDUCATION.

When the merits of the Wardha Educational Scheme are being discussed everywhere, the following editorial remark in the *Journal of Negro Education* of January on the relation of vocational to general education among Negroes will be of special interest:

Without doubt more confusion exists in our attempts to prepare Negro youth for vocational careers than in any other aspect of Negro education. Every one knows that the school should do something about this very important matter, but it is obvious that we are not certain what should or even can be done. At the present time, practically every high school and most of the colleges in this country attempt to provide some sort of vocational training for their students. Many of these schools are specifically designated as the "So and So" Industrial High School or the "This and That" Technical University, and the like. Many others, although not called by such pretentious names, make desperate efforts nevertheless to provide some sort of specific vocational training. Some of the larger schools provide many highly-specialized curricula as the Business Curriculum, the Agricultural Curriculum, the Mechanic Arts Curriculum, the Beauty Culture Curriculum, and so on *ad infinitum*. There are some high schools in this country that have as many as 18 different curricula, each of which is presumably providing special training for some specific vocation. It is the writer's belief that much of our confusion in this area arises from the fact that many of these schools have the wrong conception of their function in the preparation of individuals for their life's work. What they have attempted (and are still attempting) to do, is to give specific technical training for specific jobs—apparently not realizing that the school is probably unfitted for such a task.

MARRIAGE OF AUTOCRACY TO DEMOCRACY.

Writing on Lord Lothian's warm advocacy of the federal scheme, *Indian Affairs*, the admirable weekly recently started in Calcutta, extracts the following apt quotation from "Indian Problems" by Dr. Henry Whitehead, formerly the Bishop of Madras. After stating that all the Indian States are ruled despotically by their own native princes, the ex-Bishop says:

The official report of the Reform Act of 1919 in the picture which it draws of the future of India as a sisterhood of States says that in this picture there is a place also for the native States. But we need to remember that in a federation of democracies there is no place for autocracies. History presents us with many examples of federations. But where can we find precedent for a federation in which some twenty or thirty of the States (of British India) will be governed by representative and democratic governments and some seventy of them will be governed by autocratic princes? Before there can be a federation of States uniting the whole of India under one political system apart from the British Government, either the States of British India must revert to despotism or the native States must advance towards democracy.

MUNSHIAN VULGARITY.

The *Free Press Journal* makes the following comment on the performance of Mr. Munshi, the Minister for Law and Order in the Bombay Ministry, in the Legislative Assembly on the Small Holders Bill:

It is evident that Mr. Munshi is drawing considerably on the safety of his position (in the Ministry), when he makes on the floors of the Bombay Legislative Assembly, again and again, an exhibition of vulgarity and low taste. We beg to warn Mr. Munshi that he is doing irreparable in-

jury to the good name and prestige of the Congress by his actions and he must mend his manners or be prepared to be shown up and disowned by all Congressmen and lovers of Congress, who care for decorum in public life.

On the third reading of the Small Holders Bill, Mr. Munshi blew his own trumpet, while seeming to blow the trumpet for his Party. He said:

"The whole credit for the Bill must go to the Government benches. The other parties had been invited to co-operate in the Select Committee and none had come forward. The Bill was not the result of collaboration of all sections of the House; it was due solely to the efforts of the Congress Party."

... As regards the charge of not including Mr. Parulekar on the Select Committee, he said that no self-respecting body would co-operate with him when he openly accuses the Government of being dishonest in their intentions. He does not speak to reason; his mission is to misrepresent the Congress.

We have not come across a more unparliamentary pronouncement from a member of Government with a safe majority on the occasion of the triumphant passing of a Government measure by reason of the majority which it commands in reference to a member of the minority. We may remind Mr. Munshi that he and his colleagues are co-operating with a Governor who trampled on their privileges by receiving the Muslim League deputation and giving it an assurance, thus demonstrating that it is not the Ministry but the Governor that governs. May we ask Mr. Munshi as to why he reserves sweet urbanity for the Governor who drives a coach and four through the privileges of a self-respecting Ministry and vomits thunder and lightning at poor Mr. Parulekar, whose crime is that in a minority, he keeps hammering at the Ministry, as befits a member of Opposition?

Reviews.

AN ABORIGINAL PEOPLE.

THE KHARIAS. By SARAT CHANDRA ROY and RAMESH CHANDRA ROY. (Man in India Office, Ranchi.) 1937. 23cm. 530p. Rs. 11.

THIS is the sixth monumental work of Mr. S. C. Roy on the Kharias of Chhota Nagpur and Orissa and is a very useful supplement to his previous works on Mundas, Oraons, Birhors and Hill Bhuiyans. All these works, taken as a whole, give to the students of social anthropology a more or less accurate picture of the nature, features and peculiarities of these primitive inhabitants of Orissa and Chhota Nagpur. This work begins with a foreward from Dr. Marret of Oxford. One of the greatest living authorities on anthropology. The implications of the foreward are rather unfortunate. Educated Indians are never apathetic towards anthropological studies. In fact, they do receive their due share of public encouragement and support. Mr. S. C. Roy, for example is encouraged and helped by the Bihar Government in carrying on researches in Social anthropology of the primitive tribes. It is a deplorable fact that most of the Indian students take to higher studies in foreign universities rather early. Naturally, Dr. Marret's knowledge, derived as it is from this group of students, prove to be one-sided and does not represent the true state of affairs.

This work of Mr. S. C. Roy has been divided into 16 chapters comprising all the relevant data on these people. The main data relating to the Hill-Kharias has been collected from the Mayurbhanj State and Manbhum and Singhbhum districts of Chhota Nagpur those relating to Dheki Kharias have been collected from Gangaur and Jashpur States in the Eastern States

Agency and those relating to Dudh Kharias from Gumla and Simdega subdivisions of the Ranchi District out of 1.6 lakhs of Kharias; about one-fifth at present adhere to their tribal religion. The rest have been converted to Hinduism and Christianity, in almost equal proportions. This alone is sufficient to show how very progressive the Kharias are by instinct. Mr. Roy's work seems to show that the conversion of Kharias in such large numbers is an economic move on their part to better their social status. But this inference, we are afraid, is not wholly true; The Kharias one might suppose took to Christianity to better their social status but their adopting Hinduism will not enable them to achieve the same object. They will be classed as untouchables if they embrace Hinduism.

Mr. Roy seems to think that the language spoken by the Kharias in Singhbhum is a form of corrupt Bengali. But it should be mentioned here that there is an influential section of opinion which holds that it is corrupt Oriya. The anthropological data have been analysed statistically with the help of the great Indian statistician Prof. P. C. Mahalanobis. The collection of data and the analysis have been very well worked out. It appears however that a larger number of individuals from a fewer number of villages would have served the same purpose better; when a single individual is taken as a representative for a single village, some amount of selection is unavoidable.

On the whole, the work commands admiration and perhaps will remain an ideal type of treatment on social anthropology. Some sort of repetitions are always inevitable in a treatment meant for general reading. The way Mr. Roy has revealed to the world the detailed study about these primitive people of India is unique and we believe, it will be widely read with profit.

SHAM SUNDAR MISRA.

GANDHISM IN THEORY AND PRACTICE.

MAHATMA GANDHI. (A DIALOGUE IN UNDERSTANDING.) By P. A. WADIA. (New Book Company, Bombay.) 20cm. 1937. 73p. Re. 1-8.

GANDHI THE SAINT AS STATESMAN. By SYUD HOSSAIN. (Suttonhouse, Ltd., Los Angeles. Received through Luzac.) 21cm. 61p. 5/-

It is only natural that Mahatma Gandhi, the uncrowned King of India, should form the subject-matter of innumerable literary efforts. Literature has pursued that eminent personality through the various stages of his activity. It first introduced him as a person of action, a political leader who directed Indian agitation into the channels of non-violence and civil disobedience. Later a good deal of biographical and particularly autobiographical matter helped to give an additional spiritual charm to the mundane individuality. And now, since the retirement *de jure* of the Mahatma from active politics, there opens the third stage when persons are vying with each other in trying to interpret the enigma that is Gandhi. It is amusing to notice, and still more so to trace the reasons for the development of the strange complex which has practically invested him with the halo that is the special privilege of a departed saint or hero.

Both these books undertake to interpret Mahatma Gandhi. Prof. Wadia's book is in the form of a dialogue and he assures us that all the characters are imaginary and that they are created with the object of representing different points of view on the

question of the infallibility of Gandhian philosophy and Gandhian politics. Prof. Wadia's philosophical acumen has stood him in good stead and the book would have been infinitely more interesting in his clever hands, had he not pledged himself to justifying Mahatma Gandhi by every means. Though he succeeds in appearing to be reasonable—and this nowhere more than in raising objections to Gandhi's policy, of course with a view to remove them—he has, at times, resort to no better than an appeal to the peculiar genius of India, which is, according to him, wonderfully represented by the great Mahatma.

The other book, coming as it does from a journalist of great repute and Mahatma Gandhi's associate, with European and American experience, is an honest and certainly a courageous attempt at interpreting the personality, character and politics of Gandhi to the sceptic American. To an Indian reader there is nothing new in the first part—"Mahatma Gandhi as I know him"—excepting perhaps the surprising scene in the court when everyone including the trying Judge rose to his feet in honour of the illustrious prisoner. But the second part—"Apostles of World Reconstruction"—is written in the best traditions of informative journalism and is most appropriate in the forceful and constructive appeal that it carries with it. The two or three reprints that are added as appendices form almost an integral part of the panegyric, including even a brilliant picture of the author himself (of course by another).

D. V. K.

LAND TENURES.

THE TENURE OF AGRICULTURAL LAND.

By SACHIN SEN. (The Politics Club, Post Box No. 175, Calcutta.) 1937. 21cm. 114p. Rs. 2-8-0.

IN the first chapter on the tenure of agricultural land the author traces the ancient Hindu notions about the ownership of land and tries to establish that the right of private owners of land was absolute. The three forms of cultivation, owner cultivation, share tenancy cultivation and cash lease cultivation are dealt with in detail. The landlord has a recognised function in the process of agriculture, that of providing permanent capital and choosing proper tenants and he has almost to earn his rent. The author accepts the slogan "low rent, low wages" and sees no harm in rack-renting in so far as it impels the tenants to improve cultivation. Share tenancy is quite popular in Europe and in other countries of the world. But peasant holdings have greater attraction and many of the states of the west have helped and fostered movements for the creation of peasant holdings. Denmark as a country of peasant holdings is one of the most advanced agriculturally. The need for and the economics of nationalisation of land are discussed in detail. The Russian experiments of expropriation and collectivisation receive some treatment at Mr. Sen's hands. "Agricultural labourer is most neglected; he has no friend. He is helpless because he is landless; he is a slave because he is dependent on employment; he is insolvent because he is without any stand-by to support him; he is mute because he is broken down by needs. Any treatment of him is possible, as he could not form his battalions to fight for." Thus the author has the most sympathetic consideration for a helpless class.

In the second chapter he treats of the land tenures in different provinces but lays the greatest stress on the defects of the Tenancy Acts of Bengal. While the Regulations of 1793 which conferred Permanent

Settlement were not unscientific, the Tenancy Acts have caused all possible confusion and damage to agriculture in Bengal, according to the author. The Tenancy Acts have reduced the powers of the zamindars and have established three classes of middlemen who have heritable rights. The Tenancy laws again do not incorporate the laws of contract, equity and jurisprudence, to the great disadvantage of the zamindars. They with the intention of adding to the state stamp income have introduced cumbersome legal proceedings. They have encouraged fragmentation and have fostered absentee landlordism which has deprived the rural areas of their proper leadership. The exploded nineteenth century ideals of fair rent, fixity of tenure and free sales, as the author puts it, are strongly embedded in these Tenancy Acts which have taken away considerably the proprietary rights of the zamindars. These defects of the Tenancy Acts, the author says, have created many middlemen who are now mere parasites and who spoil the progress of agriculture in zamindari areas. The other systems of land tenures are very briefly surveyed and the author has all admiration for the Punjab with its proprietary peasant holdings.

While the author admits that he dislikes some of his conclusions he says that he has to arrive at them to be consistent with economic doctrine. He conceives of a function for the landlord and makes much of it. If individual landlords can finance and organise agriculture on an effective basis, a collective organisation should be much better suited to do the same function, especially when it will not take away so much of the share of the tillers of the soil. His complaint against the Tenancy Acts may not hold ground when subjected to critical examination. If they are defective he has to curse, not them, but the source of these Acts, the Permanent Settlement Regulation itself. A more sympathetic attitude should certainly have revealed to the author the brighter side of Russian expropriation and collectivisation. The book is full of quotations, well written, and thoroughly readable.

N. S. S.

SINCE THE WAR.

I FOUND NO PEACE. By WEBB MILLER. (Gollancz.) 1937. 22cm. 352p. 12/6.

THIS is a very interesting book by Webb Miller of the United Press of America and deals with the main events since the Great War of 1914. If anything of importance took place in any part of the world, there Webb Miller would be found with his pencil and diary, and we have therefore in this highly interesting book events such as the Armistice, the Peace Conference, Abdul Karim's Revolt in Morocco, Gandhi's Salt Satyagraha, Ethiopian War and the Spanish Civil War recorded by an eye-witness. The value of the book is enhanced by the candour and faithfulness with which the events are narrated as well as by the author's felicity of expression. Chapters XIII, XIV and XV have a special interest to Indian readers, for they deal with the strangest experiment in mass political rebellion, a rebellion based on the philosophy of non-violence. "They that turn the cheek" is a suggestive title to the chapter dealing with the Salt Satyagraha which the author was deputed to study and report by the United Press of America. The author pays a high tribute to Gandhian philosophy but takes pride in the fact that Gandhiji got his ideas of the civil disobedience movement from his countryman, Thoreau.

Another interesting feature of the book is that the author gives tabloid sketches of the prominent per-

sons whom he had opportunities of meeting, men like Foch, Clemenceau, Lloyd George, Lord Irwin, Sir Tej Bahadur Sapru, Muhamad Ali Jinnah, Maulana Mahamad Ali and Sir Chimanlal Setalvad.

While there is much in the book to interest the student of history and politics, the general reader is not entirely neglected. Chapter XII with the suggestive title "The Magic Carpet" and chapter XXV entitled "Two Twenty-Seven Hour Days" deal in a graphic manner with the author's flight to India in one of the planes of the Imperial Airways on the eve of Gandhiji's Salt Satyagraha, and the author's journey across the Atlantic in the German Zeppelin, Hindenburg. These two chapters have been very well written and afford delightful reading.

Chapter IV contributed by Roy Howard describes how, owing to some mistake made by the French G. H. Q., the news of the Armistice was flashed across the Atlantic four days before the actual event, and how America celebrated the Armistice on November 7, 1918.

To reporters and correspondents of newspapers the book has a special value as the author gives a number of tips as to how to get reliable information and publish it quickly.

While we have nothing but praise to give to the author for the delightful manner in which he has treated men and events since 1914, we are sorry that he should vigorously justify the Italian conquest of Ethiopia. In Chapter XXIV he puts forward a vigorous case for the aggressor, and feels that domination of Ethiopia by the white man would benefit the country. In the same way he feels that complete independence for India would not result in any good to ninety-nine per cent. of her population. He says that if the British gave a far larger share of self-government according to the new Constitution Act, the mass of the people would be better off. The author therefore wants Ethiopia to bear the Italian yoke, and wishes India to pin her faith on the new Constitution Act! He also says that the British are better equipped and better disposed to govern India than any other power in the world.

We have heard such arguments about the "White Man's Burden" trotted out by British Imperial jingoos and fascists. But it looks rather strange that a liberty-loving American should air such views.

On the whole the book is very interesting, and, packed as it is with very valuable information, deserves the widest reading.

M. V. SUBRAHMANYAM.

SHORT NOTICES.

THE ILLUSION OF IMMORTALITY. By COR-

LISS LAMONT. (Watts.) 1937. 21cm. 294p. 8/6.

"Is death the end of all human endeavours?" "Shall I live after death?" Such are the questions which all men sometimes ask to themselves. Every one knows that everything that is born decays and dies. Death is thus natural and inevitable. But in another sense it is equally natural and inevitable that man simply refuses to die with death. He persistently hopes to live in some form or other after death. It is the greatest and the most persistent of human hopes. Corliss Lamont has tried to show in this book that it is hoping against hope. If "wishes were proofs," then immortality is demonstrated to be a fact. But they are not, and hence immortality, in whatever form, is an illusion. This is the general position of the book, which aims at disillusionment of the hope of immortality. We are told in Ch. III that the "verdict of science" goes against immortality. All the latest researches in biology, physiology, psychology, medicine conspire to convince us that

mortality is the price which we pay for the privilege we are enjoying of using this complex body-machine. Unicellular organisms are immortal. They divide themselves and multiply, but never die. It has taken billions of years to produce this marvel of the inter-functioning of systems we collectively call the human body, and it is but natural that some time before "four score years and ten" the delicate functioning comes to a stand-still. Philosophy fails with its ethical and metaphysical arguments to prove immortality, and God also cannot save us from our doom of death. Nevertheless, the book ends with a cheerful plea that life, though a short scene between life and death, is not without value and significance. We can make our actions count and contribute our unique quality to the unceasing human adventure. "We can endow our days on earth with a scope and meaning that the finality of death cannot detract from or defeat." It is an informative and a very attractively written book. Yet, in spite of all the arguments in the book which show the unsoundness of a belief in immortality, men will continue to be intellectually deceived by this illusion. For man as man likes to live in pleasant illusions rather than allow himself to be made unhappy by discomforting logic.

D. G. LONDHE,

CONDITION OF WEIGHTS AND MEASURES IN THE PUNJAB. Ed. by J. W. THOMAS. (Board of Economic Inquiry, Punjab.) 1936. 24cm. 88p. As. 8.

THE regulation of measures and weights has been from the days of Manu engaging the attention of the rulers of the country. The British Indian Government made many attempts and a central Commission was appointed in 1913. This Commission and the Punjab Provincial committee have, after exhaustive inquiries, stressed the case for standardisation and official checking of weights and measures. Provincial Governments have also passed legislation with the same end in view. Yet the condition of measures and weights as revealed by this study is one which needs urgent legislation. Several investigators carried on independent investigations in 13 areas, including 19 towns, 12 mandis, 50 factories and 180 villages. 13,550 weights, 3,500 scales and 500 measures were checked and 1,350 measurements and weighments were observed. Of the weights 92.3 per cent. were stamped, 3.5 unstamped and 4.2 kachcha. Of the stamped weights 51.2 per cent. were correct and of the incorrect 7.8 were over weight and 41 per cent. under weight. Correctness is greater in towns and in bigger weights. Of the unstamped 47,326 were correct, 321 under weight and 126 over weight. The percentage of correctness of the kachcha weight is the lowest. Beam scales are more popular than platform scales. 25.5 per cent. in mandi, 35.7 per cent. in villages and 48.8 per cent. in the cities were correct. The general error was only about a tola. The beams were capable of manipulation, and weighing, being the specialised work of either weighmen or artias, were generally manipulated to their advantage. But these weighmen somehow command the confidence of the public. Many of the agriculturists who take their produce to be sold never weigh them before, and they have no idea of the quantity which they have with them. The measures, tops, tinbi and others, have different capacities in different places. The milk and ghee measures are generally over measures. The 'eastern way' of heaping grains over measures is also capable of various manipulations by clever hands. The appendices are informative. A summary of Bombay legislation is given in an appendix.

N. S. S.

HAR BILAS SARDA COMMEMORATION
VOLUME. Ed. by P. SESHADRI (Vedic Yan-
 tralaya, Ajmer.) 1937. 25cm. 554p.

It was a happy idea to bring out a volume in commemoration of the completion of 70 years of that renowned pioneer of social legislation, Rai Bahadur Har Bilas Sarada. The editorship of Prof. Seshadri is a guarantee of the excellence and the thoroughness of the work accomplished. Besides messages of goodwill from leaders like Mahatma Gandhi, articles on various activities of Rai Bahadur Har Bilas Sarada are included. It is natural that the major portion of these articles should bear on social problems connected with women, because his life work has been embodied in that Act of far-reaching consequences bearing his name, viz. the Sarada Act or the Child Marriage Restraint Act. The articles are from learned persons like Dr. Sir Hari Singh Gour and form a general survey of the social reform movements of our country.

W. M. V.

Miscellaneous.

CONGRESS RESOLUTIONS.

Below is given the resolution on federation drafted by the Working Committee of the Congress for the consideration of the All-India Congress Committee and the plenary session of the Congress to be held at Haripur.

FEDERATION.

The Congress has rejected the new constitution and declared that a constitution for India, which can be accepted by the people, must be based on independence and can only be framed by the people themselves by means of a Constituent Assembly without

interference by any foreign authority. Adhering to this policy of rejection, the Congress has however permitted the formation in the Provinces of Congress Ministries with a view to strengthen the nation in its struggle for independence.

In regard to the proposed Federation, no such considerations would apply even provisionally or for a period and the imposition of this Federation will do grave injury to India and tighten the bonds which hold her in subjection to the imperialist domination. This scheme of federation excludes from the sphere of responsibility vital functions of Government. The Congress is not opposed to the idea of federation, but a real federation must, even apart from the question of responsibility, consist of free units enjoying more or less the same measure of freedom and civil liberty and representation by the democratic process of election. The Indian States participating in the Federation should approximate to the provinces in the establishment of representative institutions and responsible government, civil liberties and method of election to the federal Houses. Otherwise, Federation, as it is now contemplated, will, instead of building up Indian unity, encourage separatist tendencies and involve the States in internal and external conflicts.

The Congress therefore reiterates its condemnation of the proposed federal scheme and calls upon the provincial and local Congress Committees and the people generally as well as the provincial governments and ministries to prevent its inauguration.

In the event of an attempt being made to impose it despite the declared will of the people, such an attempt must be combated in every way and the Provincial Governments and Ministries must refuse to co-operate with it.

In case such a contingency arises, the All-India Congress Committee is authorised and directed to determine the line of action to be pursued in this regard.

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